



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.10307 of 2018

and W.M.P. (MD) No.9325 of 2018

WEB COPY

A.Arun Prabu

... Petitioner

Vs.

1.Canara Bank

Represented by its Managing Director,
Human Resources Wing,
Head Office,
112 JC Road,
Bangalore - 560 002.

2.General Manager,

Canara Bank,
Human Resources Wing,
Head Office,
112 JC Road,
Bangalore - 560 002.

3.The Assistant General Manager,

Human Resources Section,
Circle Office
East Veli Street,
Madurai - 625 001.

4.The Branch Manager,

Canara Bank,
Kombai.

... Respondents

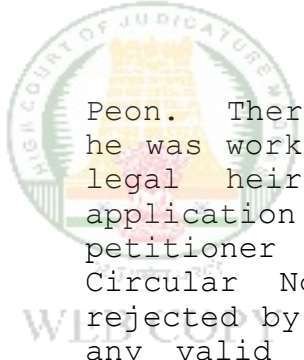
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.MDUC/HRM/163/COMP APPT/E9/2018 dated 12.01.2018 on the file of Respondent No.3 and quash the same as illegal and consequently direct the respondent No.3 to appoint the petitioner under the scheme of Compassionate appointment in suitable post, within the time stipulated by this Court.

For Petitioner	:	Mr. T.Lajapathi Roy
For Respondents	:	Mr. C.Karthick

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the third respondent dated 12.01.2018 and for a consequential direction to the third respondent to appoint the petitioner under the scheme of Compassionate Appointment in suitable post.

2.According to the petitioner, the petitioner's father viz., M.Asaikalai, joined the service of the respondents Bank on 11.11.1989 as
<https://hcservices.ecourts.gov.in/hcservices/>



Peon. Thereafter, he was re-designated as Daftary on 12.09.2001. While he was working as Daftary, he died on 06.10.2014. After his demise, his legal heirs viz., widowed wife, son and daughter, submitted an application dated 15.04.2015, seeking compassionate appointment for the petitioner in the service of the respondents Bank in terms of the Bank Circular No.143/2015, dated 20.03.2015. The said application was rejected by the third respondent vide the impugned order, without giving any valid reason. Therefore, the petitioner has come out with the present Writ petition.

3.The learned counsel appearing for the petitioner would submit that the impugned order passed by the respondents bank is cryptic and not in consonance with the scheme framed by them in Circular No.143/2015, dated 20.03.2015. Therefore, the impugned order is liable to be set aside and prayed for allowing of this Writ Petition.

4.The learned counsel appearing for the respondents Bank vehemently contended that on considering the financial status of the petitioner, the application of the petitioner was rejected and the reason for rejecting the same was given in the counter affidavit and prayed for dismissal of this Writ Petition.

5.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents Bank and perused the materials available on record.

6.On a perusal of the impugned order, it is seen that the third respondent has passed the impugned order without giving any reason and without giving any opportunity to the petitioner. Therefore, this Court is of the view that, the said order is a cryptic and a non-speaking order and if such an order is passed, the scheme framed by the respondents Bank in Circular No.143/2015, dated 20.03.2015 gets defeated. Hence, this Court has no hesitation to interfere with the impugned order and to quash the aforesaid order.

7.In view of the above discussions, to meet the ends of justice, this Court is inclined to pass the following order:

i) the impugned order dated 12.01.2018, passed by the third respondent is quashed;

ii) if the petitioner wants to submit any further particulars, the same shall be submitted within a period of two weeks from the date of receipt of a copy of this order;

iii) the respondents shall consider the application of the petitioner dated 15.04.2015, on its own merits and in accordance with law and also in the light of the scheme framed by the respondents bank in Circular No.143/2015, dated 20.03.2015;

iv) such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order; and

<https://hcservices.ecourts.gov.in/> The petitioner shall also co-operate with the



respondents.

8. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

+1CC to M/s.T.Lajapathi Roy, Advocate (SR25305)

**W.P. (MD) .No.10307 of 2018
04.08.2021**

SS III

RS (11.08.2021) 3P-2C